

EC-2000-007
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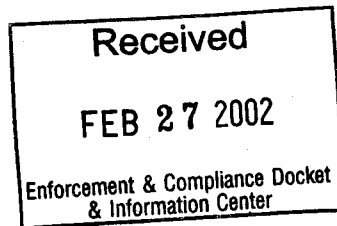


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To: docket.oeca@epamail.epa.gov
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Subject: COMMENTS ON ESTABLISHMENT OF ELECTRONIC REPORTING



**COMMENTS ON ESTABLISHMENT OF ELECTRONIC REPORTING;
ELECTRONIC RECORDS**

DOCKET NUMBER EC-2000-007
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Environmental Protection Agency
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Attn: Docket Number EC-2000-007
Washington DC 20460

Submitted By: Ground Water Protection Council

The Ground Water Protection Council (GWPC), a national organization of state ground water and underground injection control regulatory agencies, has submitted previous comments on the Rule proposed under Docket Number EC-2000-007 on November 29, 2001. We would like to provide additional comments concerning EPA's proposed rule: Establishment of Electronic Reporting; Electronic Records. This proposed rule is referred to as Cross-Media Electronic Reporting and Record Keeping Rule, or "CROMERRR".

We offer several additional comments while at the same time supporting more specific ones of our member states who have made them directly to the Docket Clerk. We have received copies of comments submitted to you by over twenty state agency directors and program managers, and eight from related associations of the regulated community.

1) Most states have expressed concern that the initial goal to make CROMERRR a voluntary rule would necessarily evolve into a mandatory requirement when electronic record keeping

must be maintained by an acceptable electronic record retention system as specified in the proposed Rule.

a) Our previous comment also echoed by the states, raises a concern in that a record generated by computer but archived in a paper format would not meet the apparent electronic record retention requirement.

b) EPA's proposal contains criteria for electronic reporting and record storage of documents, in order to assure their enforceability, that exceeds current requirements for paper filing and recordkeeping in most states.

2) The development of substantially new or significant changes to existing state record retention programs and procedures, the training of personnel, purchase of additional hardware/software, the cost of storing electronic records for the specified timeframe, would be expensive, time-consuming, and in many cases provide no incremental or additional environmental benefit to the public.

a) All state agencies have invested considerable resources developing their existing electronic forms and systems for electronic data submission and storage. These public investments would be lost at worst, and prematurely depreciated in value, at the least, if they do not contain or meet additional record retention requirements proposed under CROMERRR. Credibility with the state residents (taxpayers) and those directly affected financially (businesses) would be diminished when funds were used to retool systems that are currently working. The estimated cost for incorporating CROMERRR provisions in just a part of one state's (Nebraska) oil and gas program exceeds \$ 200,000. If applied to all state oil and gas programs it could exceed \$ 20,000,000. We have also heard from other state water program offices where costs of implementation/conversion could exceed \$ 5,000,000 per agency

3) The state program offices maintain strong field presence and strive for good working relationships with their regulated industries. We suggest that EPA proceed cautiously, and with sensitivity to past public investments, as well as future state resource capabilities. It should propose only those incremental changes that make both legal and economic sense, and then issue them as guidelines that have the long term goal of improving all state electronic recordkeeping. Defining what those guidelines are should be a joint effort between the state primacy agencies and the EPA program offices. The GWPC is prepared to assist in any way in such an effort.

4) Given the constant change in hardware and software capabilities, EPA's goal of improved electronic reporting and record retention is understandable. The states have no less a desire to improve their record keeping, as well as its value and presentation to the public. The cost of implementing the proposed Rule must be weighed against the competing use of state and/or federal resources that promote highly cost effective voluntary compliance through good field presence, focused enforcement, and public education and outreach. We fear that the cost and time constraints to the states, to implement this proposed rule as is, are overly burdensome; and may discourage the additional environmental benefits the Rule seeks to achieve.

Respectfully submitted,

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GWPC Executive Director

February 26, 2002